

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/787,112 Confirmation No. 5084
1463
Applicant : Y. MIMATSU et al
Filed : February 27, 2004
Title : METHOD AND APPARATUS FOR SETTING ACCESS
RESTRICTION
TC/AU : 2131
Examiner : T.T. Doan
Docket No. : TSM-35
Customer No.: 24958

Director of the U.S. Patent and Trademark Office
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Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicants request a refund in the above-identified application due to an error
on the part of the Patent Office.

On October 31, 2007, Applicants filed a Request for Continued Examination
(RCE) under 37 CFR §1.114 and included therewith a Request for Suspension of
Action under 37 CFR §1.103(c). A Request for Suspension of Action under 37 CFR
1.103(c) filed with an RCE requires the processing fee set forth in §1.17(i), as shown
in the attached copy of page R-82 of the Manual of Patent Examining Procedure.
The processing fee for a filing under §1.17(i) is \$130.00 according the Revised Fee
Schedule effective September 30, 2007.

Appl. No. 10/787,112
Request for Refund dated November 9, 2007

TSM-35

A payment of \$130 accompanied Applicants' Request for Suspension of Action as payment for the processing fee set forth in §1.17(i). However, Applicants' representatives' Monthly Statement of Account for November, 2007 (copy enclosed) indicates that on November 1, 2007, an additional charge of \$70.00 for filing a "petition" under §1.17(g) on October 24, 2007. A petition under §1.17(g) requires a \$200 fee, but Applicants respectfully note that a Request for Suspension of Action under 37 CFR §1.103(c) is not a "petition" and rule 103(c) clearly states that only the processing fee of \$130 set forth in §1.17(i) is required.

Please credit a refund in the amount of \$70.00 to the Deposit Account No. 50-1417.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By _____
Shrinath Malur
Reg. No. 34,663
(703) 684-1120



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Trademark Office**

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Deposit Account Statement

Requested Statement Month: November 2007
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Street Address 2:
City: ALEXANDRIA
State: VA
Zip: 22314
Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/01 205	09523760	601.38214X00 1483		\$70.00	\$22,943.00
11/01 17782	11867362		8021	\$40.00	\$22,903.00
11/01 227	11024628	TMI-5B27-03	1463	\$70.00	\$22,833.00
11/01 310	10787112	TSM-36	1463	\$70.00	\$22,763.00
11/01 313	09942690	H-990	1483	\$70.00	\$22,693.00
11/01 329	10082328	NIT-332	1463	\$70.00	\$22,623.00
11/02 145	10198508	500.39908PX1	1501	\$40.00	\$22,583.00
11/02 3	10973298	NIT-441	1201	\$210.00	\$22,373.00
11/05 2	10896092	500.44085X00	1251	\$120.00	\$22,253.00
11/05 3	10896092	500.44085X00	1806	\$180.00	\$22,073.00
11/06 6	11905421	H-787-08	1081	\$260.00	\$21,813.00
11/06 1	10875281	H-1156	1201	\$630.00	\$21,183.00
11/07 48	11840042	KAS-5951	1111	\$510.00	\$20,673.00
11/07 49	11840042	KAS-5951	1311	\$210.00	\$20,463.00
11/08 3	09784073	500.39461X00	1201	-\$400.00	\$20,063.00
11/08 25	10887763	ASA-1003-02	1251	-\$120.00	\$20,983.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$23,013.00	\$2,550.00	\$520.00	\$20,983.00

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§ 1.103

MANUAL OF PATENT EXAMINING PROCEDURE

(d) A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the fee set forth in § 1.17(h).

[24 FR 10332, Dec. 22, 1959; paras. (a), (c), and (d), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d), 54 FR 6893, Feb. 15, 1989, effective Apr. 17, 1989; para. (d) revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; para. (a) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (d) revised, 65 FR 34604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a) revised, 68 FR 14332, Mar. 23, 2003, effective May 1, 2003; para. (c) revised, 69 FR 36481, Sept. 21, 2004, effective Oct. 21, 2004]

§ 1.103 Suspension of action by the Office.

(a) *Suspension for cause.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

(b) *Limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d).* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph in a continued prosecution application filed under § 1.53(d) for a period not exceeding three months. Any request for suspension of action under this paragraph must be filed with the request for an application filed under § 1.53(d), specify the period of suspension, and include the processing fee set forth in § 1.17(l).

(c) *Limited suspension of action after a request for continued application (RCE) under § 1.114.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph after the filing of a request for continued examination in compliance with § 1.114 for a period not exceeding three months. Any request for suspension of action under this paragraph must be filed with the request for

continued examination under § 1.114, specify the period of suspension, and include the processing fee set forth in § 1.17(l).

(d) *Deferral of examination.* On request of the applicant, the Office may grant a deferral of examination under the conditions specified in this paragraph for a period not extending beyond three years from the earliest filing date for which a benefit is claimed under title 35, United States Code. A request for deferral of examination under this paragraph must include the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(l). A request for deferral of examination under this paragraph will not be granted unless:

(1) The application is an original utility or plant application filed under § 1.53(b) or resulting from entry of an international application into the national stage after compliance with § 1.495;

(2) The applicant has not filed a nonpublication request under § 1.213(a), or has filed a request under § 1.213(b) to rescind a previously filed nonpublication request;

(3) The application is in condition for publication as provided in § 1.211(c); and

(4) The Office has not issued either an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

(e) *Notice of suspension on initiative of the Office.* The Office will notify applicant if the Office suspends action by the Office on an application on its own initiative.

(f) *Suspension of action for public safety or defense.* The Office may suspend action by the Office by order of the Director if the following conditions are met:

(1) The application is owned by the United States;

(2) Publication of the invention may be detrimental to the public safety or defense; and

(3) The appropriate department or agency requests such suspension.

(g) *Statutory invention registration.* The Office will suspend action by the Office for the entire pendency of an application if the Office has accepted a request to publish a statutory invention registration in the application, except for purposes relating to patent interference proceedings under part 41, subpart D, of this title.

11-09-'07 11:18 FROM-Mattingly, Stanger 703-684-1157 T-250 P001/005 F-847

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

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PATENT, TRADEMARK
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FACSIMILE: (703) 684-1157

(703) 684-1120

November 9, 2007

FACSIMILE COVER LETTER

Facsimile Number: (571)273-6500

To: Commissioner for Patents
Attn: Latrice Sims

From : Mr. Shrinath Malur
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/787,112
Attorney Docket No.: TSM-35

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following listed documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Request for Refund
Copy of page R-82 of Manual of Patent Examining Procedure
Copy of Deposit Account Statement (11/07)

November 9, 2007

Date

Shrinath Malur
Reg. No. 34,663

Total Number of Pages (including cover sheet): 5

If the facsimile you receive is incomplete or illegible, please CALL (703) 684-1120.
Thank you.

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**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	10/787,112
Filing Date	February 24, 2004
First Named Inventor	Y. MIMATSU
Art Unit	2131
Examiner Name	T.T. Doan
Attorney Docket Number	TSM-35

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - ii. Other
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other

3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1417
 - i. RCE fee required under 37 C.F.R. § 1.17 (e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other
- b. Check in the amount of \$ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Shrinath Malu	Registration No. (Attorney/Agent)	34,663
Signature		Date	October 31, 2007

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)		Date	
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 12/06/2007 SDIRETAA1
11/01/2007 JADDO1 00000185 501417 10787112
02 FC:1463 70.00 CR -130.00 OP

11/01/2007 JADDO1 00000185 501417 10787112
01 FC:1601 810.00 OP
02 FC:1463 70.00 DA -130.00 OP

Adjustment Date: 12/06/2007 SDIRETAA1
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